

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
BALTIMORE DIVISION**

BEATRICE SAVEAGE,)	
)	
Plaintiff,)	
)	No. 1:12-cv-2206
v.)	
)	
BIERER & MARGOLIS, P.A.,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

BEATRICE SAVEAGE (Plaintiff), through attorney. Frederick E. Nix, alleges the following against BIERER & MARGOLIS, P.A. (Defendant):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Defendant conducts business in the state of Maryland; therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Temple Hills, Prince George’s County, Maryland.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a debt collection law firm with an office in Baltimore, Maryland.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. In May 2012, Defendant placed collection calls to Plaintiff seeking and demanding payment for a debt.
11. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.
12. In May 2012, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. *See Exhibit A.*
13. In the voicemail message, Defendant's representative, failed to state that the call was from a debt collector. *See Exhibit A.*
14. In the voicemail message, Defendant's representative, directed Plaintiff to call him back at 866-972-9633, which is a number that belongs to Defendant. *See Exhibit A.*
15. On May 14, 2012, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. *See Exhibit B.*
16. In the voicemail message left on May 14, 2012, Defendant's representative, failed to state that the call was from a debt collector. *See Exhibit B.*
17. In the voicemail message, Defendant's representative, directed Plaintiff to call him back at 866-972-9633, which is a number that belongs to Defendant. *See Exhibit B.*
18. Defendant called Plaintiff's telephone number at XXX-XXX-9289.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on, but not limited to, the following:
- a. Defendant violated § 1692e of the FDCPA through the use of false, deceptive, or misleading representation or means in connection with the collection of any debt; and
 - b. Defendant violated § 1692e(11) of the FDCPA by communicating with Plaintiff but failing to disclose that the call was from a debt collector or made for purposes of debt collection.

WHEREFORE, Plaintiff, BEATRICE SAVEAGE, respectfully requests judgment be entered against Defendant, BIERER & MARGOLIS, P.A., for the following:

- 20. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
- 21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
- 22. Any other relief that this Court deems just and appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE, Plaintiff, BEATRICE SAVEAGE, hereby demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

By: /s/ Frederick E. Nix
Fredrick E. Nix
240 S. Potomac St.
Hagerstown, MD 21740
(888)221-6685
Fredrick.nix@attorneynix.com
Attorneys for Plaintiff